



1101 W. College Ave.
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July 15, 2016

Mark & Jennifer Hanna
14418 W. Charles Road
Nine Mile Falls, WA 99026

RE: Request for waiver to allow septic drain field to exist within easement – 14418 W. Charles Road – Tax Parcel #17274.9109

Dear Mr. & Mrs. Hanna:

We received your request for a waiver from WAC 246-272A-0210(1), which requires minimum horizontal separations between an onsite sewage system soil dispersal component and certain items. Specifically, you are requesting approval for your septic drain field on the above referenced parcel to exist within the easement described in Short Plat 1227-00. After review of your submittal, and consultation with the Washington State Department of Health (WA DOH), the request for waiver is denied. This determination is consistent with guidance from WA DOH and is based on the drawing you submitted which shows a portion of the septic drain field located within the easement.

Enclosed is a copy of your request for waiver. You have the right to appeal this decision to the Spokane Regional Health District Board of Health within ten working days of the receipt of this decision. For further information about filing an appeal, please contact Ann Pitsnogle at (509) 324-1501.

Sincerely,

A handwritten signature in black ink that reads "Joel McCullough".

Joel McCullough, MD, MPH, MS
Interim Health Officer

Enclosures

Exhibit "J"

Jon Sherve

From: Turner, Leslie C (DOH) <Leslie.Turner@DOH.WA.GOV>
Sent: Friday, June 24, 2016 12:23 PM
To: Jon Sherve; Simmons, Jeremy J (DOH)
Subject: Easement waiver response

Hello John,

Thank you for contacting us regarding the waiver request you have received. You have requested that we review it for consistency with Chapter 246-272A WAC – On-site Sewage Systems. WAC 246-272A-0420 Waiver of state regulations gives the local health officer the authority to grant a waiver from specific requirements of this chapter. Of point here is the issue of a drain field in a legally declared utility easement. My concerns are:

1. WAC 246-272A-0210 (3) gives the local health officer the authority to reduce horizontal separation to not less than two feet from an easement line. Apparently the drain field is approximately 6 feet into a legally declared easement.
2. The easement is a legal document which is not under the authority of WAC 246-272A. The waiver process in WAC 246-272A cannot be used to waive specific requirements in a distinct legal document.

Please let me know if you have any questions.

Leslie

*Leslie Turner, RS
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